

### **REMARKS**

Reconsideration and allowance are respectfully requested. Claims 1, 2, 4, 6, 9, 12, 13-17, and 22 have been amended. Claim 3 has been canceled and non-elected claims 24-28 have also been canceled. Claims 1, 2 and 4-23 are pending.

A Petition for Revival of an Application for Patent Abandoned Unintentionally is filed concurrently with this Amendment.

Claims 4, 17, and 22-23 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claims have been carefully reviewed and revised bearing in mind the Examiner's rejection. All pending claims are considered to be in full compliance with 35 U.S.C. 112. Therefore, the rejection should be withdrawn.

Claims 12-23 stand rejected under 35 U.S.C. 101. Claims 12, 16 and 22 have been amended and are directed to statutory subject matter. Therefore, the rejection should be withdrawn.

Claims 1-10 and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by Donohue. Claims 1 and 2 have been amended to define the invention more clearly and thus, obviate the rejection. In particular, claim 1 as amended recites that the program includes subsets organized with respect to one another in a hierarchical fashion, the subsets comprising a top-level subset and a plurality of lower-level subsets related hierarchically to the top-level subsets and to each other, each of the subsets identifying a main object and a sub-object, a version designator being associated with each of the subsets, each version designator including a first version identifier associated with the main object and a second version identifier associated the sub-object. The method of claim 1 recites revising the first version identifier of a certain lower-level subset when the certain lower-level subset is modified; and if the modification of the certain lower-level subset affects other subsets, revising the second version identifier of the other affected subsets.

Donohue does not teach or suggest the program including subsets comprising a top-level subset and a plurality of lower-level subsets related hierarchically to the top-level subsets and to each other. Donahue does not teach or suggest that each of the

subsets identifying a main object and a sub-object with a version designator being associated with each of the subsets and each version designator including a first version identifier associated with the main object and a second version identifier associated the sub-object. Finally, Donohue does not teach the steps of revising the first and second version identifiers as claimed. Donohue merely manages the distribution of different revisions of finished software programs that have no complex relation with each other. Therefore, the rejection of claim 1 and the claims that depend there-from should be withdrawn.

Claim 22 has been amended to recite the steps of running a program on the manufacturing system, indicating to a user that a revision has been made to the program; based on certain criteria, approving the revised program by the user, and based on an authority level of the user, designating a status of the revised program as released or validated. Donohue does not teach or suggest such method steps. In fact, there is no teaching in Donohue of designating a status of the revised program as released or validated by an authorized user. Therefore, the rejection should be withdrawn.

Claims 12-18 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by Hopwood. Claims 12 and 16 have been amended to define the invention more clearly and thus, obviate the rejection. In particular, claim 12 as amended recites that the data structure of the computer readable medium includes a label indicating a status of the programs. Hopwood does not teach or suggest such a label. With regard to claim 16, the claim has been amended to recite storing, on the computer readable medium, a third symbol indicating the status of a program to be released or validated. Hopwood does not teach or suggest a third symbol indicating a status of a program. Therefore, the rejection of claims 12-18 and 20 should be withdrawn.

Claims 12-21 stand rejected under 35 U.S.C. 102(b) as being anticipated by Siemens (ICs for Communications). This rejection is respectfully traversed. The preambles of claims 12 and 16 as amended recite a computer readable medium having a data structure stored thereon for use in identifying programs for computer-controlled manufacturing systems. The programs comprise subsets organized with respect to one another in a hierarchical fashion, the subsets comprising a top-level subset and a

plurality of lower-level subsets related hierarchically to the top-level subsets and to each other. There is no teaching or suggestion in Siemens of data structure stored on computer readable medium or of programs comprising subsets organized with respect to one another in a hierarchical fashion, the subsets comprising a top-level subset and a plurality of lower-level subsets related hierarchically to the top-level subsets and to each other. The preamble limits the structure of claims 12 and 16 and cannot be ignored.

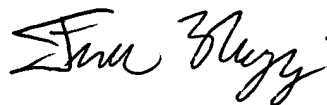
As specified in the MPEP §2111.02, Rev. 2, May 2004 at page 2100-50 to 2100-51: “Any terminology in the preamble that limits the structure of the claimed invention must be treated as a claim limitation.” (Citing Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., (See also MPEP §2111.02, Rev. 2, May 2004 at page 2100-51: “In claims directed to articles and apparatus, any phraseology in the preamble that limits the structure of that article or apparatus must be given weight” (citing In re Stencel, 828 F.2d 751, 4 USPQ2d 1071 (Fed. Cir. 1987))) (See also Kropa v. Robie, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951)(preamble reciting “An abrasive article” deemed an essential limitation)).

Siemens merely notes revisions to “errata sheets”, not to a data structure stored on computer readable medium as claimed. Therefore, the rejection is improper and should be withdrawn.

Claims 11 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Donohue in view of Applicant’s Admitted Prior Art (AAPA). Claims 9 and 21 stand rejected as being unpatentable over Hopwood in view of AAPA. These claims depend ultimately from claims 1, 16 and 22, and are considered to be allowable for the reasons advanced above with regard to the independent claims, and for the additional reason that the added subject matter thereof is not taught or suggested by the prior art of record.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Frank Nuzzi".

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